

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ROSARIO MARINELLO,

Plaintiff(s),
(Petitioner)

V.

CALIFORNIA DEPARTMENT OF
CORRECTIONS & REHABILITATION,

Defendant(s),
(Respondent)

Case No. C-08-0664-EDL

ORDER RE APPLICATION
TO PROCEED
IN FORMA PAUPERIS

FILED
FEB 26 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

(✓) **IT IS ORDERED** that the application to proceed in forma pauperis is *GRANTED* and that the Clerk issue summons.

IT IS FURTHER ORDERED that the U.S. Marshal for the Northern District of California serve, without prepayment of fees, a copy of the complaint, any amendments, scheduling orders, attachments, plaintiff's affidavit and this order upon the defendant.

() **IT IS ORDERED** that the application to proceed in forma pauperis is *DENIED*, and that the filing fee of \$350.00 be paid no later than _____. Failure to pay the filing fee by that date will result in dismissal of the above-entitled action without prejudice. The plaintiff is hereby apprised of his/her responsibility to serve the complaint and any amendments, scheduling orders, attachments, pursuant to Rule 4, Federal Rules of Civil Procedure. Plaintiff has a continuing obligation to keep the Court informed of his or her current address. Failure to do so may result in dismissal of this action.

() **IT IS ORDERED** that the application to proceed in forma pauperis is *DENIED* and that plaintiff is further ordered to make partial payment of the filing fee in the amount of \$ _____ by _____. Failure to pay this amount will result in dismissal of the above-entitled action without prejudice. The plaintiff is hereby apprised of his/her responsibility to serve the complaint and any amendments, scheduling orders, attachments, pursuant to Rule 4, Federal Rules of Civil Procedure. Plaintiff has a continuing obligation to keep the Court informed of his or her current address. Failure to do so may result in dismissal of this action.

Dated: Feb 26 2008


UNITED STATES MAGISTRATE JUDGE

(Not to be used in HABEAS CORPUS cases)

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ROSARIO MARINELLO,
Plaintiff,

Case Number: CV08-00664 EDL

CERTIFICATE OF SERVICE

v.

CA DEPARTMENT OF CORRECTIONS
AND REHABILITATION et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on February 26, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Rosario Marinello
324 Hawthorne
Salinas, CA 93901

Dated: February 26, 2008

Richard W. Wieking, Clerk
By: Lili M. Harrell, Deputy Clerk